

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEBRA PANIAGUA,

Plaintiff,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

---

No. 10-01981 CW

ORDER ON  
PLAINTIFF'S  
FAILURE TO FILE  
AN OPPOSITION AND  
PROOFS OF SERVICE  
ON DEFENDANTS  
CELESTE DRUMMOND  
AND MELISSA  
TURNER

On September 13, 2010, Defendants County of Alameda, Karen Benjamin and Denise Smith moved to dismiss Plaintiff Debra Paniagua's complaint. The hearing on Defendants' motion was set for October 28, 2010. Consequently, Plaintiff's opposition was due October 8, 2010.

Plaintiff failed to file an opposition. Plaintiff shall file an opposition by October 14, 2010, or her claims against these Defendants will be dismissed for failure to prosecute. If an opposition is filed, Defendants' reply shall be due one week thereafter. Defendants' motion will be taken under submission on the papers. The Court VACATES the hearing set for October 28, 2010.

In addition, Defendants Celeste Drummond and Melissa Turner have not appeared in this action and the Court's records do not show that they have been served. Plaintiff initiated her action on May 7, 2010, which required her to serve Ms. Drummond and Ms. Turner by September 7, 2010. See Fed. R. Civ. P. 4(m) and 6(a)(1)(C). Accordingly, by October 14, 2010, Plaintiff shall file

1 proof that she served Ms. Drummond and Ms. Turner in accordance  
2 with Rule 4(m). In the alternative, Plaintiff may move to extend  
3 time for service, so long as she can demonstrate good cause. If  
4 she fails to file proofs of service or show good cause to extend  
5 time, Plaintiff's claims against Ms. Drummond and Ms. Turner will  
6 be dismissed without prejudice.

7 IT IS SO ORDERED.

8  
9 Dated: 10/8/2010



CLAUDIA WILKEN  
United States District Judge